REMARKS

Claims 2 and 10 have been amended. Support for amended Claim 2 can be found in paragraphs [0019] and [0022]. Support for amended Claim 10 can be found in paragraphs [0026] and [0027], and Figs. 1, 5 and 6. Entry of this Amendment is respectfully requested. Claims 1-3 and 6-15 are pending.

Response to Claim Rejections Under § 112

(I) Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

As noted, Claim 2 has been amended to more clearly define the subject matter which Applicants regard as the invention, and meeting all of the requirements of § 112. Accordingly, withdrawal of the rejection is respectfully requested.

(II) Claim 10 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claim 10 has been amended to more clearly define the location of the pouring port. Figs. 5 and 6, as well as paragraphs [0026] and [0027], disclose a packaging container according to present Claim 10. More particularly, Fig. 5 demonstrates that a pouring port can be formed in the packaging pouch 31 by opening the pouch 31 along the opening facilitating means 6 from the notch 5 after the completion of heating in a microwave oven. Further, Fig. 1 discloses a similar packaging container. Accordingly, withdrawal of the rejection is respectfully requested.

Response to Claim Rejections Under § 103

(I) Claims 1, 3, 6, 11, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,834,247 to Oshima et al and further in view of U.S. Patent Application Publication No. 2003/0155354 to Tucker. Applicants respectfully traverse.

The present claims relate to a packaging container for a microwave oven hermetically sealed by heat-sealing with a plastic film, the packaging container comprising a vapor release

seal part having a weakened part characterized in that the vapor release seal part is provided with a mark developing means with which the opening of the vapor release seal part can be recognized by a difference between surface and back packaging materials constituting the vapor release seal part.

Oshima discloses a sealed container for use in cooking which has a heat-sealed portion which is automatically opened when any increase in the internal pressure occurs due to expansion of the steam arising from the water content of the food or the air in the container on heating. *See,* Abstract, col. 1, lines 65-67 and col. 2, lines 1-4.

Tucker discloses a food container comprising a lid having a tab and relieved portion. See, paragraphs [0090] and [0094]. Tucker further discloses that the relieved portion of the tab permits container venting by allowing a portion of the cover to be removed from the base while still maintaining a seal around the remaining perimeter of the container, which is useful in microwave cooking where the cover prevents food from splattering onto the inside surface of the microwave while still allowing the container to vent. *See,* paragraph [0096].

In addition, Tucker discloses that the container may also include a visual indication of closure between the container top and the container bottom, wherein the visual indication may be a color change in the area where the container top engages the container bottom (e.g., the closure device on the container top may be a first color and the closure device on the container bottom may be a second color), and when the closure devices are occluded, the first and second colors produce a third color. *See,* paragraph [0137]. Further, the colors may be incorporated into the material for the container or a portion of the container, such as in the closure area, or the colors may be applied to the material, such as, by printing (e.g., if the lid and tub are to have a different

color at the interface where the lid attaches to the tub, the two respective surfaces can be fashioned with a color or design). *See,* paragraph [0138].

In other words, Tucker discloses a container including a plate-like container base having a first closure portion and a plate-like cover having a second closure portion- The closure portions of the cover and the base can be (mechanically) engaged with each other to provide a leak-proof, re-scalable closure (see paragraph 10014]). Tucker does not disclose a packaging container for a microwave oven hermetically sealed by heat sealing with a plastic film and comprising a vapor release seal part having a weakened part.

Tucker (where the mark developing means is incorporated into an area where the container top engages the container bottom) does not lead one of ordinary skill or otherwise suggest incorporating a mark developing means into the protruding portions 16, 16' of Oshima (corresponding to the claimed vapor release seal part having a weakened part). This is because the closure structures and marked developing means of Tucker are entirely different from those of the container of the present invention as well as those of the container of Oshima (i.e., Oshima employs a heat-seal while Tucker relates to a plate container with a detachable cover including first and second closure portions which are engageable with one another). Thus, Tucker and Oshima fail to render obvious the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

(II) Claims 2, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshima in view of Tucker as applied to Claim 1 above and further in view of U.S. Patent No. 4,640,838 to Isakson et al and further in view of U.S. Patent No. 6,428,867 to Scott et al.

(a) Regarding Claims 7 and 8, Oshima discloses a sealed container including a container body provided at the opening thereof with a flange, and a lid, and a heat-sealed strip

capable of peeling off is formed on the flange portion. Oshima further discloses that it is essential to provide the heat-sealed portion with a protruding portion which protrudes toward the interior of the container such that the outer edge of the heat-sealed portion at that position or the innermost point of the outer edge is disposed on the inner side of a line connecting the starting points of the protruding portion located toward the interior of the container. *See,* col. 4, lines 59-65 and Fig. 2.

Isakson discloses a vapor-tight package including means for automatically venting through the package upon heating in a microwave oven, wherein the venting means is a deposit which is adhered to the package and comprises nonmetallic, microwave-absorbing particles dispersed in a nonmetallic binder. *See,* col. 2, lines 23-31. Isakson further discloses a package 40, wherein a thermoplastic film 42 is adhered a deposit 44 consisting of microwave-absorbing particles and adhering to the plastic film 42 by an adhesive layer 14. When the particles are heated by microwave energy, the heat flows to and tends to soften and weaken the film 42 along the dotted line 46 which may result in a flap-like vent. *See,* col. 5, lines 19-27. In other words, Isakson discloses a package comprising a relief-valve like structure adhered to the outer layer of a microwaveable package and covering a slit.

One skilled in the art would not be motivated to modify modified Oshima with Isakson, since doing so would render Oshima unable to perform as originally designed. Accordingly, withdrawal of that portion of the rejection pertaining to Claims 7 and 8 is respectfully requested.

(b) Regarding Claim 2, present Claim 2 recites, *inter alia,* providing a vapor release seal part of one plastic film constituting the packaging container with a printing layer having a pattern having void parts and by providing a vapor release seal part of the other plastic film

constituting the packaging container with a printing layer having patterns corresponding to the void parts.

In contrast, Scott discloses a tamper indicating tab comprising a first ink layer printed to the top surface of the base layer in the area that will form the tamper indicating tab, whereby the first ink layer is printed in a discontinuous layer of ink that defines an indicia on the top surface of the tamper indicating tab and forms a chemical bond to the top surface of the tamper indicating tab. Scott further discloses that a second ink layer is applied over the entire tamper indicating tab, including the portion of the tamper indicating tab including the first ink layer, wherein the second ink layer bonds to the top surface of the tamper indicating tab in the areas not covered by the first ink layer but does not bond to the first ink layer. Thus, Scott discloses printing two layers of ink on the same surface.

Even if one skilled in the art were motivated to modify modified Oshima, the presently claimed invention would not be obtained. That is, the asserted combination does not meet the limitation of Claim 2 which requires corresponding printing on first and second plastic films. Accordingly, withdrawal of that portion of the rejection related to Claim 2 is respectfully requested.

(III) Claims 9, 10, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshima in view of Tucker as applied to Claims 1 and 11 above, and further in view of GB 2,358,175 to Sato.

Claims 9, 10, 12 and 13 are patentable for at least by virtue of their dependence from Claim 1.

In addition, Sato discloses that "[i]n use, article B1, B2, e.g. baby feeding bottles, are placed in the bag with a quantity of water, whereupon the first opening 19 is closed, and the

vessel 10 is heated in a microwave for a predetermined period, during which time vapour escapes via the exhaust opening 21..." *See,* Abstract and Fig. 4. Upon completion of the sterilization process, excess water is discharged via the exhaust opening 21. First opening 19 is opened to allow removal of the articles." Thus, the structure of the container disclosed in Sato is different from both the container of the present invention and that of Oshima. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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